

CHAPTER 279

CORRECTIONS

SENATE BILL 15-195

BY SENATOR(S) Steadman, Grantham, Lambert, Aguilar, Carroll, Crowder, Guzman, Heath, Hodge, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Roberts, Todd, Ulibarri;
 also REPRESENTATIVE(S) Hamner, Young, Rankin, Becker K., Brown, DelGrosso, Fields, Foote, Kraft-Tharp, Lee, Melton, Mitsch Bush, Moreno, Pettersen, Rosenthal, Ryden.

AN ACT

CONCERNING APPROPRIATING TO THE DEPARTMENT OF CORRECTIONS MONEYS GENERATED AS SAVINGS FROM THE AWARDING OF ACHIEVEMENT EARNED TIME TO INMATES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 17-22.5-405, **add** (9) (a.5) as follows:

17-22.5-405. Earned time - earned release time - achievement earned time.
 (9) (a.5) (I) PURSUANT TO THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING HOUSE BILL 12-1223 DURING THE 2012 REGULAR SESSION, THE GENERAL ASSEMBLY SHALL APPROPRIATE SAVINGS GENERATED FROM THE ENACTMENT OF THIS SUBSECTION (9) TO:

(A) THE EDUCATION SUBPROGRAM, FOR ACADEMIC AND VOCATIONAL PROGRAMS TO OFFENDERS; AND

(B) THE PAROLE SUBPROGRAM, FOR PAROLE WRAP-AROUND SERVICES.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5), THE APPROPRIATION DESCRIBED IN SAID SUBPARAGRAPH (I) MUST NOT EXCEED SIX MILLION FIVE HUNDRED THOUSAND DOLLARS IN ANY FISCAL YEAR.

(III) IN ALLOCATING THE MONEYS APPROPRIATED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5), THE DEPARTMENT SHALL GIVE PRIORITY TO PAROLE WRAP-AROUND SERVICES THAT ARE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ADMINISTERED BASED ON EVIDENCE-BASED PRACTICES.

SECTION 2. In Colorado Revised Statutes, **add** 17-42-103 as follows:

17-42-103. Policies concerning inmates' use of telephones - excessive rates prohibited. IN ADMINISTERING THE USE OF TELEPHONES BY INMATES IN ANY STATE OR PRIVATE PRISON FACILITY, THE DEPARTMENT SHALL NOT RECEIVE ANY COMMISSION FROM THE PHONE PROVIDER EXCEPT AS MUCH AS IS NECESSARY TO PAY FOR CALLING COSTS AND THE DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT IN MANAGING THE CALLING SYSTEM. FOR THE PURPOSES OF THIS PROVISION, "DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT IN MANAGING THE CALLING SYSTEM" INCLUDES COSTS RELATED TO THE PROVISION OF SECURITY AND MONITORING SYSTEMS BY EITHER THE DEPARTMENT OR THE PHONE PROVIDER.

SECTION 3. Appropriation - adjustments to 2015 long bill. (1) To implement this act, appropriations made in the annual general appropriation act for the 2015-16 state fiscal year to the department of corrections are adjusted as follows:

(a) The appropriation to the volunteers subprogram for personal services from the general fund is increased by \$618,417 and the appropriation from cash funds from sales revenues earned by the canteen operation is decreased by \$618,417;

(b) The appropriation to the volunteers subprogram for operating expenses from the general fund is increased by \$17,912 and the appropriation from cash funds from sales revenues earned by the canteen operation is decreased by \$17,912; and

(c) The appropriation to the education subprogram for operating expenses from cash funds from sales revenues earned by the canteen operation is increased by \$636,329 and the appropriation from the general fund is decreased by \$636,329.

(2) To implement this act, appropriations made in the annual general appropriation act for the 2015-16 state fiscal year to the department of corrections are adjusted as follows:

(a) The appropriation to the education subprogram for personal services from the general fund is increased by \$1,017,989 and the appropriation from cash funds from sales revenues earned by the canteen operation is decreased by \$1,017,989; and

(b) The appropriation to the education subprogram for operating expenses from the general fund is increased by \$482,011 and the appropriation from cash funds from sales revenues earned by the canteen operation is decreased by \$482,011.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3)

of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2015